



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

20 NOVEMBER 2006

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 20 NOVEMBER 2006**

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Meeting Commenced at 7.03

Public Gallery: 24

**PRESENT**

His Worship the Mayor  
Councillor Neville Castle  
Councillor B P Morrissey  
Councillor M F Ticehurst  
Councillor W McAndrew  
Councillor H K Fisher  
Councillor B S Moran  
Councillor M M Collins  
Councillor M J Wilson

**APOLOGIES**

Councillor A E Thompson – Out of the City on personal business.

**MOVED:** Councillor Wilson    **SECONDED:** Councillor Fisher

**CARRIED**

**Also in attendance**

General Manager, Mr Paul Anderson  
Group Manager Regional Services, Mr Andrew Muir  
Group Manager Community and Corporate, Ms Kathy Woolley  
Acting Minutes Secretary, Miss Cortney Wood  
Policy and Planning Manager, Mrs Amanda Muir

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 16 November 2006 were taken as read and confirmed by Councillor B S Moran and Councillor H K Fisher.

**06-384 RESOLVED**

**CARRIED**

**DECLARATION OF INTEREST**

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

There were no declarations of interest.

## QUESTIONS FROM THE PUBLIC GALLERY

Although not on the agenda, The Tidy Town Committee made a presentation to the Mayor, Senior Staff, and Councillors. The Tidy Towns presented 6 plaques awarded to Council from The Tidy Town competition. They advised that Lithgow has actually moved up the scale and came second in category E. There were 2 category award winners being The Community Nursery and Fire, Furnace and Forge activities at Furnace Park Tidy Towns extended a heartfelt thankyou to Council for all their support.

*Mayor: Congratulated the Tidy Towns Committee for all their hard work. Council will consult with the Tidy Town as to where the most appropriate place for the awards will be. Award winners will receiver their awards.*

*Thankyou again Tidy Towns, you do a great Job.*

At 7.10pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

### Vince Hallam

1. Please Mr Mayor, could you please advise me if the decision on the Marrangaroo Land Study will be made before Christmas 2006 as promised?

**A.** It has been proposed for the December round of Meetings.

2. If not, why not? N/A

### Ken Brice – Portland

1. Is Council in possession of structural Engineers certifications over its footpaths in the CBD of Lithgow, Wallerawang, Portland, Kandos and Rylstone?

**A:** *Structural Engineering assessments were carried out on many awnings in the Local Government Area several years ago. Kandos and Rylstone are in another Local Government area.*

2. DLG Circular of 99/33 – 18/5/99 Paragraph 6 file FF96-0669-01  
Consideration will also be necessary to other Potential loads for example apart from wind, such as snow and earthquakes. On 15 February 2004 a domed roof of a Moscow water park collapsed under the weight of snow, killing 24 people and injuring 110 people. Must we wait for this to happen here before Council acts on this matter?

**A.** *Unable to answer this question.*

3. Results from Council Meeting 9 February 2004 (19708-BU-ILT-05) said an audit has now been commenced. It would appear that this audit has suffered a natural death, or are we to assume that Council is not prepared to follow up on this issue?

*A. The program is ongoing with Council's Building Surveyors carrying out inspections if further action is required.*

Ken Brice read out some additional information, however there could be no comment as the questions had not been submitted. He passed on this letter with pictures following the meeting to the Secretary.

C Jonkers, J Favell  
1466 Castlereagh Highway  
Blackman's Flat 2790

**Re: Questions for Ordinary meeting of Council - 20 November 2006 - Item 4: Waste Management Facility**

We are once again extremely upset that Council didn't have the common courtesy or decency to let anyone in Blackman's Flat know beforehand that Council will be voting to approve its Waste Management Facility at tonight's meeting.

Neither we nor anyone else in Blackman's Flat we have spoken was aware of it, no one has received any notification by mail, there was nothing in Saturday's *Lithgow Mercury* about it, and there was no Agenda or Business Papers on Council's Website at our latest check at 7:30pm this morning, and the most recent Business Papers on the Website being for the meeting of 6 November 2006.

It was only by chance a Lithgow resident happened to hear about it on a Bathurst radio station on Friday that we knew it was coming up at all?

Even if local residents do happen to receive some notification from Council by mail today, our mail doesn't get delivered until 11 or 12 o'clock, which means they will be afforded virtually no opportunity to submit questions to Council Meeting in writing by the 12pm deadline.

We live in hope that Council may eventually meet it's stated objectives during the Strategic Planning process, of becoming a more open, honest, transparent, accountable and democratic Council, because this example demonstrates that i still a long long way off.

We formally request to ask the following questions at the Ordinary Meeting of Council on Monday 20 November 2006, in relation to Item 4: DA 388/05 Waste Management Facility.

**1: Independent Consent Authority**

The site selection and approval process for a Council Landfill is arguably the most contentious issue any Council anywhere is likely to face, because Landfills are regarded

by most normal people as highly offensive, socially unacceptable facilities, which have a negative impact on the health, amenity, environment and property values of the area in which they are located.

We therefore expected Council would do everything possible to ensure the Site Selection, Community Consultation, and Approvals Processes would be as open, honest, transparent, accountable and democratic as possible, in particular with regard to the community most affected by the proposal.

Councillors need to know that the widely held view of the Blackman's Flat community is that neither the Site Selection or Community Consultation Processes were considered acceptable to us, and that we know expect Council to in the very least make sure that the Approvals Process is as open, honest, transparent, accountable and democratic as possible .

It is a widely held view within the Blackman's Flat community that the Site Selection Process between 1999 - 2001 had no legitimacy, credibility, or neutrality whatsoever, that it was done behind closed doors with no community participation whatsoever, and that economic interests and Councils close relationship with Centennial Coal (who owned the land) and Delta Electricity (who allegedly had an option to buy that land to extend their fly-ash disposal facility) dominated an unbiased assessment of the true social and environmental impacts on our residential township of Blackman's Flat.

It is a widely held view within the Blackman's Flat community that the Public Consultation Process was totally unacceptable, compared for example with the process used by neighbouring BMCC in it's recent extension of Blaxland Tip. Council held only one public consultation meeting in September 2001. All we saw since then was the odd newspaper article talking about the Landfill as if it were a 'done deal', and it was only after sustained community pressure that Council belatedly condescended to hold an Information Day in October 2005, which we consider did not constitute public consultation anyway, just Council spin presenting us with a *fait accompli*.

We do not accept Council's claims that by using its supposedly independent consultant, Geolyse Pty Ltd, that this somehow adds credibility to the approvals process? We have never seen a representative from Geolyse in our town, and our other involvement with Geolyse P/L did little to build our confidence in either their professionalism or receptiveness to community concerns, when they failed to identify the Platypus colony within the Study Area of Marrangaroo LES, despite the fact we and others had made Geolyse staff fully aware of its existence during the public consultation at Lithgow Golf Club, and despite the fact this Platypus colony was listed for the world to see on the *NSW NPWS Wildlife Atlas*.

And we cannot ignore the fact that it was Council who approved many of the very developments which are currently having the greatest impact on the property values, health, amenity and environment of our residential township - Pine Dale Mine (approved by Council in October 2005); Lambert's Gully mine (approved by Council in 1998); Mt Piper fly-ash dam (approved by Council in 1990), and the Coal>Link Haul Road (approved by Council in 1991).

We have no confidence in Council's concept of what it considers is appropriate socially acceptable development for our residential township given this poor past history.

We have no confidence in Council's approval processes, given this poor past history.

We do not consider that it is appropriate for Council to be the Consent Authority for its own Waste Management Facility for our residential township, because Council clearly may have a perceived conflict of interest, and is likely to approve this proposal to cover up for its past planning mistakes.

**We therefore ask: Is Council prepared to appoint an independent neighbouring Council such as Blue Mountains City Council, Bathurst Regional Council, Oberon Shire Council, or some similarly qualified impartial organisation to overview the documentation and act as an independent Consent Authority for Blackman's Flat Waste Management Facility, in the interests of open, honest, transparent, and democratic governance?**

*A: There is no legislative power that would enable Council to appoint another council as a consent authority. In response to the issue, Council has engaged an independent consultant to assess the application and make recommendations to Council as to its determination.*

## **2: Declaration of Pecuniary and Non-pecuniary Interests**

Are Councillors aware that there is a strong perception within the Blackman's Flat community that the site selection process for the Solid Waste Landfill was not open, honest, transparent, accountable or democratic, because we feel economic interests and Council's close relationship with coal mining and power generation interests dominated an unbiased assessment of the true social and environmental impacts on our residential township of Blackman's Flat?

This perception has come about because the Solid Waste Landfill is to be located on Western Main Colliery land which was formally owned by Centennial Coal, land which we believe Delta Electricity had an option to for its fly-ash disposal facilities?

In addition, we feel Council's prior history of approvals of socially unacceptable developments for our residential township of Blackman's Flat, including Pine Dale Mine (2005); Lambert's Gully Mine (1998); Mt Piper fly-ash dam (1990); and Coal>Link Haul Road (1991), has done little to instil confidence in our community that Council will ever do anything to protect the rights of the residents of our residential township, particularly where the coal mining, power generation, coal transport, and related industries are involved.

**We therefore ask Council whether it is appropriate for Councillors involved in the coal mining, power generation, coal transport, or Coal Mining Union to take part in the approvals process for Council's Solid Waste Landfill in our residential township of Blackman's Flat, or whether they should declare a Pecuniary or Non-pecuniary Interest?**

### **Question 3: Acquire the 13 houses in Blackman's Flat**

If Councillors believe this is a necessary community facility, and that this is the best and only site available in a Shire covering 4000 sq km, then why are Councillors not prepared to acquire all 13 houses in Blackman's Flat, to allow residents to get on with their lives in a healthier, safer, and happier environment?

Our residential township is no longer fit for human habitation now, because of Council's prior approvals. And this Landfill will be the most offensive and greatest injustice of all.

Our homes are already unsaleable because of the Pine Dale and Lambert's Gully Mine, they will be even less saleable after Council's filthy pox ridden garbage and asbestos dump is approved, and Council has already publicly stated its full support for the Duplication of Mount Piper Power Station, which will further massively increase the impacts on our town.

**We therefore ask Council to show some respect for the residents of the 13 houses in Blackman's Flat, by acting as mediator to represent our community in negotiations with the State Government, Delta Electricity, Centennial Coal, and Pine Dale mine to acquire all 13 homes in Blackman's Flat, and allow these people to get on with their lives.**

*A: The Department of Planning have indicated that an acquisition condition was not deemed necessary for the Centennial Coal (Lamberts Gully) open cup proposal as through assessment it was determined that any impact would not be such to trigger acquisition conditions within the consent. However, the consent provides for a dispute resolution process independent of the Department of Planning. The Pine Dale consent, issued by Council, contains conditions pertaining to property acquisition in certain circumstances where certain impacts exceed criteria within the consent conditions.*

### **Question 4: Implications of Approval**

We have done everything humanly possible and followed all proper Council and Department of Planning procedures to try and make you aware of the adverse impacts your decisions are having and will continue to have on our residential township for many years to come.

We have demonstrated what your own consultants have told you - that the noise, dust, particulate matter, odours, surface water and groundwater impacts at this site are already high, they will be exceeded at times, and that only by implementing the very highest standards of management can these impacts be contained, if at all.

This is therefore clearly a very borderline proposal at best, and the Blackman's Flat community has no confidence in Council's ability to manage these impacts under normal circumstances, let alone have the ability, commitment or desire to implement the very highest possible standards of management at a facility which will be out of site and out of the Lithgow area.

This community is now surrounded by encroaching heavy industries, virtually in our backyards, none are compatible with a residential lifestyle, all are having a massive cumulative impact on our lives, all have totally wiped out our property values and made our homes unsaleable, all are destroying our health, our amenity, and our environment.

Council's Solid Waste Landfill will be the most offensive and greatest injustice of all.

Yet none of you have shown any empathy whatsoever for our situation, and all of our genuine concerns have been totally ignored.

The stress Council and Department of Planning have created for the residents of our town over the last 2 years has been unbearable, our backs are against the wall, we are fighting for our lives, and we now have no other option but legal action.

The injustice of this is that while we will have to spend our hard earned savings to take legal action, you can squander ratepayer funds without any accountability whatsoever to fight a case you have no chance of winning.

**We therefore ask Council if it is aware of the implications of approving its Solid Waste Landfill in our residential township, which will be:**

1. **An appeal against this decision in the Land and Environment Court;**
2. **Class Action against Council and the Department of Planning seeking damages for the destruction of our property values;**
3. **Class Action against Council and the Department of Planning seeking damages the disproportionate health risks imposed on our community as a consequence of poor planning decisions;**
4. **A statewide campaign will be launched tomorrow morning opposing the Duplication of Mount Piper Power Station, because we cannot sustain both it and your filthy pox ridden garbage and asbestos dump;**
5. **We will never forgive or forget the injustice that Council has perpetrated against the residents of Blackman's Flat, and will spend the rest of our lives ensuring that this injustice is put right, one way or another.**

*Answer: As for No 1, Council is aware of the legal process in relation to a Designated Development application and third party appeal rights. As for No 2 and 3 Mr Jonkers and Ms Favell would be advised to retain their own legal opinion. As for No 4, a description of the proposed facility as a "pox ridden garbage and asbestos dump" is factually incorrect and no relationship exists between any expansion of Mt Piper Power Station and the proposed landfill. As for No 5, the Development Application has followed proper process and assessment. As part of that process three submissions from residents/property owners of Blackman's Flat opposing the proposal were received, considered and addressed as appropriate by the independent consultant.*

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## GENERAL MANAGER REPORTS

### ITEM:1            GM - 06/11/06 - 2006 LOCAL GOVERNMENT CONFERENCE                          EXECUTIVES

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#### REFERENCE

NIL

#### SUMMARY

This report outlines the new members of the LGA Executive.

#### COMMENTARY

At the 2006 Local Government Association Annual Conference in Leura recently, the members of the LGA Executive were announced. They are as follows:

President:	Cr Genia McCaffery (North Sydney)
Past President:	Cr Dr Sara Murray (Wingecarribee)
Metropolitan Vice President:	Cr Leo Kelly OAM (Blacktown)
Country Vice President:	Cr Robert Bell (Gosford)
Treasurer:	Cr Beverly Giegeri (Hurstville)

#### Metropolitan Executive

Cr Fran Tierney (Lane Cove)  
Cr Kevin Schreiber (Sutherland)  
Cr Nicholas Ritten (North Sydney)  
Cr Sam Byrne (Marrickville)  
Cr Ken McDonell (Sutherland)  
Cr Julie Hegarty (Pittwater)  
Cr Vince Badalati (Hurstville)  
Cr Allan Ezzy (Holroyd)  
Cr Robert Webb (Leichhardt)  
Cr Paul Hawker (Campbelltown)

#### Country Executive

Cr Joyce Wheatley (Kiama)  
Cr Daniel Myles (Blue Mountains)  
Cr Brian Chetwynd (Armidale Dunmaresq)  
Cr Pippa McInnes (Blue Moutnains)  
Cr Janice Kershaw (Wollongong)  
Cr Ben Shields (Dubbo)  
Cr Allan Smith (Dubbo)  
Cr Marilyn Eade (Newcastle)  
Cr Alice Glachan (Albury)  
Cr Rod Towney (Dubbo)

#### POLICY IMPLICATIONS

NIL

#### FINANCIAL IMPLICATIONS

NIL

#### LEGAL IMPLICATIONS

NIL

#### RECOMMENDATION

**THAT** the information be noted.

#### 06-385 RESOLVED

**THAT:** the information be noted.

**MOVED:** Councillor M M Collins

**SECONDED:** Councillor W McAndrew

**CARRIED**

**ITEM:2            GM - 20/11/06 - CERTIFICATE OF OUTSTANDING SERVICE -  
                         COUNCILLOR BRIAN MORRISSEY**

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**REFERENCE**

NIL

**SUMMARY**

This report outlines an award received by Councillor Brian Morrissey for his outstanding service to Lithgow City Council.

**COMMENTARY**

At the Local Government Associations Annual Conference 2006 held in Leura recently, Lithgow City Council nominated Councillor Brian Morrissey for an Outstanding Service Award.

The award was to be presented at the Opening Ceremony held on Sunday 29<sup>th</sup> October 2006 by Her Excellency, the Governor of NSW, Professor Marie Bashir AC CVO and the Minister for Local Government, the Hon. Kerry Hickey MP.

Due to work commitments, Councillor Brian Morrissey was unable to attend the ceremony.

Councillor Brian Morrissey was first elected to the Greater of Lithgow Council in 1976 and was elected Deputy Mayor in 1999. He has been on many committees through out this time and was elected to the Upper Macquarie County Council in 2002.

Councillor Morrissey has been an essential part of Lithgow City Council and has dealt with local government issues with a professional manner for 25 years.

On behalf of Lithgow City Council, we congratulate Councillor Brian Morrissey on receiving this prestigious award.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

## RECOMMENDED

### That:

1. Council note the Long Service Award to Councillor Brian Morrissey.
2. Council formally congratulate Councillor Brian Morrissey on the Long Service Award and present the Certificate and Medal to Councillor Morrissey.

## 06-386 RESOLVED

### THAT:

1. Council note the Long Service Award to Councillor Brian Morrissey.
2. Council formally congratulate Councillor Brian Morrissey on the Long Service Award and present the Certificate and Medal to Councillor Morrissey.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor H K Fisher

**CARRIED**

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## ITEM:3            GM - 20/11/06 - LGA CONFERENCE - RECORD OF DECISIONS

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### REFERENCE

NIL

### SUMMARY

This report provides Council with a copy of the resolutions made at the recent LGA Conference held in Leura.

### COMMENTARY

As council would be aware the recent Annual LGA Conference was held on Leura from 27 October 2006 to 1 November 2006.

During this conference Lithgow City Council had a number of motions before the Conference for deliberation and Consideration.

A complete set of the "record of decisions" was provided to Councillors for information. Additional copies are available at the Association website [www.lgsa.org.au](http://www.lgsa.org.au)

### POLICY IMPLICATIONS

The resolutions provided at the Conference are inline with current Association policy, however, may require Councils consideration of further polices.

### FINANCIAL IMPLICATIONS

NIL

**LEGAL IMPLICATIONS**

Nil

**CONCLUSION**

This report provides Council with a complete list of resolutions from the LGA 2006 Conference for information.

**ATTACHMENTS**

NIL

**RECOMMENDED**

**THAT:** Council note the resolution of the 2006 LGA Conference.

**06-387 RESOLVED**

**THAT:** Council note the resolution of the 2006 LGA Conference.

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor B S Moran

**CARRIED**

## REGIONAL SERVICES REPORTS

ITEM:4           REG - 20/11/06 - DA 388/05 WASTE MANAGEMENT FACILITY,  
                    BLACKMANS FLAT

**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

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### **SUMMARY**

Lithgow City Council commissioned Geolyse Pty Ltd to undertake an assessment of the Development Application (DA) for the Blackman's Flat Waste Management Facility, known as DA 388-05. As Council is both the applicant and the consent authority for the DA it was considered that through transparency the assessment of the application should be undertaken by an independent person.

### **06-388 RESOLUTION**

*That: General Manager withdraws this report in light on an administrative matter still to be dealt with and the report will be referred to Council when the problem has been rectified.*

MOVED: Councillor McAndrew

SECONDED: Councillor Wilson

**ITEM:5            REG - 20/11/06 - QUESTION WITHOUT NOTICE - COUNCILLOR M J WILSON - HERITAGE ADVISOR**

**REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

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**SUMMARY**

Report provided in response to a question without notice from Councillor MJ Wilson to advise Council's actions concerning the Heritage Advisor position. Consideration is being given to integrating the position into the structure within the Development Division of Regional Services

**COMMENTARY**

Council would be aware that its nominated Heritage Advisor, Barbara Hickson resigned recently. Since her resignation all heritage issues have been allocated to existing qualified staff.

It is not intended to appoint another Heritage Advisor at this stage as Council has existing staff who have the appropriate level of expertise and qualifications to undertake this role. It is the intention through reform of the structure within the Development Division to include the heritage role within existing staffing levels. This matter will also be considered as a joint initiative with the recently formed Central Tablelands Alliance.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Funded through existing budget allocations. Funding will also be pursued through the Heritage Office.

**LEGAL IMPLICATIONS**

Nil subjects to Council staff being qualified to perform the function.

**RECOMMENDED**

**THAT:** the information be noted

**06-389 RESOLVED**

**THAT:** the information be noted.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor M J Wilson

**CARRIED**

**ITEM:6            REG - 20/11/06 - LITHGOW SEWER FLOW GAUGING ASSESSMENT  
                         OF TENDERS**

**REPORT BY: STRATEGIC ENGINEER - LEANNE KEARNEY**

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**REFERENCE**

Nil

**SUMMARY**

In June 2003, the New South Wales Environment Protection Authority published its “Licensing Guidelines for Sewage Treatment Systems”, which require sewerage system operating authorities to negotiate new operating licenses for their sewerage systems on a total system basis, incorporating both the collection and transport components and treatment components as a whole.

These proposed licenses now focus on the unregulated discharge of sewage from the collection and transport system in addition to controlled discharges of treated effluent, and require that the possibility of uncontrolled discharges be identified, the risks to the environment assessed and strategies prepared to manage these risks. The Environment Protection Authority guidelines call for an investigation of a sewerage system to determine its performance characteristics under current and future flow and demand conditions, identify the location and risk of any overflow points, assess options to manage these risks, and produce a strategy to implement an option agreed with the Environment Protection Authority.

Under Pollution Reduction Programmes of Council’s Environmental Protection Authority Licence for the Lithgow and Wallerawang Sewerage Treatment Plants (Licence Numbers 236 and 598), Council has until 30 June 2007 to conduct an investigation into the operation of its sewerage system and develop a strategy to meet the Pollution Reduction Programme.

**COMMENTARY**

To undertake this investigation, Council has elected to adopt a process known as the “Rational Approach” to plan and negotiate operating licenses for its own sewerage systems. This method is currently being used throughout Australia and New Zealand to undertake studies of this nature, for both very large and very small sewerage system operating authorities with outstanding success.

The process involves two (2) separate components, the first is to measure sewer flows at a number selected sites within the collection and transport system under both dry and wet weather conditions for a continuous nominal period of thirteen (13) weeks during a period of expected rainfall events, whilst secondly, a number of continuously recording rainfall gauges are also deployed to establish relationships between rainfall and sewer flow for use in the modelling component of the process.

Historical records have shown that the best period for flow gauging has been assessed as being between December and February for the Lithgow region.

The initial stage of this process involved an overview Lithgow and Wallerawang sewerage systems to establish the most appropriate way to undertake the work required, and to locate flow gauge sites that would allow the required models of the system to be constructed and calibrated.

This overview identified locations for seventeen (17) sewer flow gauges and four (4) continuously recorded rainfall gauges to be installed to collect data on sewer system operation and the reaction of the system to a range of actual flow conditions over a period of thirteen (13) weeks. These flow gauge locations were selected to provide data required to calibrate the hydraulic and hydrologic models that would be required to simulate existing and future sewer flow conditions that that can be reasonably expected in the Lithgow and Wallerawang sewerage system catchments.

These temporary gauges are to be supplemented by the two (2) inlet works flow gauges and rainfall gauge located at both treatment plant sites (Lithgow and Wallerawang). Arrangements will be made to connect these three (3) instruments to the Councils monitoring system to collect continuous data, and to allow them to be used to monitor the system after any remedial works required were completed.

Tenders were advertised in Local Government Tender Section of the Tuesday Sydney Morning Herald on 17 and 24 October 2006, and the Lithgow Mercury on 24, 26, 28, 31 October and 2 November 2006.

Three (3) expressions of interest were received from the following:

ADS Environmental Services  
AWT Australia Pty Ltd  
Manly Hydraulics Laboratory

Tenders closed on 3 November 2006, and complying tenders were received from ADS Environmental Services and AWT Australia Pty Ltd.

#### **TENDER ASSESSMENT PROCESS**

Assessment of the two (2) tenders has been undertaken by Council's Strategic Engineer, Miss Leanne Kearney and Mr Robert Cadden of Cadden & Associates Pty Ltd (Project Manager).

Each tender has been reviewed independently by each member of the panel without discussion and marked on a spreadsheet that reflected the assessment criteria as contained in the contract documents. The tenders were first checked for compliance with the mandatory criteria, and then the tendered price was noted to allow culling of any tender where the price was outside a reasonable range that could allow it to be competitive on technical merit. The tenders were then assessed for technical merit and value for money, consistent with the price tendered.

Only conforming tenders were considered to ensure that all were assessed equally on their merits. Any non conforming alternatives were considered later as possible value added proposals.

#### **Mandatory Criteria**

The purpose of the mandatory criteria is to ensure that all tenders conform and are acceptable for further evaluation and to ensure that they contain the required material to allow objective assessments to be undertaken.

**ADS** – Met all criteria completely and was accepted

**AWT** - Met all criteria except provision of examples and data on equipment. It was accepted with reservations due to only two (2) tenders being received.

### **Tendered Price**

Both tenders were within 5% of each other and it was accepted that both reflect the true market price for the work to be undertaken by this Contract.

### **Technical Merit**

Each tender was assessed individually and marked on each of the criteria based on the individual assessment of how the tender met the requirements as expected by each individual member of the panel. Tendered price was not a consideration.

### **Relevant Experience**

Both tenders rated extremely high in this area, as both are long established experts in this field, and can be regarded as equal in experience.

### **Technical Skills**

Both tenders indicated that each contractor has a very broad depth of experience and technical expertise, and can be regarded as equal in the skills available to undertake the work to the required quality standard

### **Methodology**

The methodology proposed in both tenders was similar and adequate to undertake the work to the standard required. The AWT methodology was assessed as being marginally superior as it included review of data by one (1) of its modelers as well as the conduct of draw down tests on pump stations where pump monitors are to be fitted to ensure accuracy.

It is recommended that the conforming tender received from ADS Environmental Services for Contract No WW/001/06 – Sewer Flow Gauging for \$104,115.00 (including GST) be accepted and a contract to undertake the work be offered to ADS Environmental Services.

It is also recommended that a contingency sum of \$10,000.00 (representing possible variations as noted) and no less than four (4) week extension of the contract due to lack of suitable rainfall events occurring during the thirteen (13) gauging period included in the contract.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil, as Council has received a grant of \$107,500.00 from the Sydney Catchment Authority, which represents a 50% contribution toward the flow gauging and modelling project, and Council has an allocation of \$107,500.00 in the 2006/2007 Annual Management Plan for this project.

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. Confidential attachment detailing tenders submitted by ADS Environmental Pty Ltd and AWT Australia Pty Ltd is for Councillors information only.

### **RECOMMENDED**

**THAT:**

1. The conforming tender received from ADS Environmental Services for Contract No WW/001/06 – Sewer Flow Gauging for \$104,115.00 (including GST) be accepted and a contract to undertake the work be offered to ADS Environmental Services;
2. A contingency sum of \$10,000.00 (representing possible variations as noted) and no less than four (4) week extension of the contract due to lack of suitable rainfall events occurring during the thirteen (13) gauging period included in the contract; and
3. Council resolves to affix the common seal to Contract WW/001/06 – Sewer Flow Gauging.

**06-390 RESOLVED**

**THAT:**

1. The conforming tender received from ADS Environmental Services for Contract No WW/001/06 – Sewer Flow Gauging for \$104,115.00 (including GST) be accepted and a contract to undertake the work be offered to ADS Environmental Services;
2. A contingency sum of \$10,000.00 (representing possible variations as noted) and no less than four (4) week extension of the contract due to lack of suitable rainfall events occurring during the thirteen (13) gauging period included in the contract; and
3. Council resolves to affix the common seal to Contract WW/001/06 – Sewer Flow Gauging.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson

**CARRIED**

**ITEM:7            REG - 20/11/06 - DEDICATION OF A SMALL STRIP OF LAND -  
                         HASSAN STREET - SOUTH BOWENFELS**

**REPORT FROM: REGIONAL SERVICES MANAGER - ANDREW MUIR**

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**REFERENCE**

Min 06-375 Finance and Services Committee - 6 November 2006.

**SUMMARY**

This report seeks Council's formal resolution to apply the seal to the transfer documents for dedication to Council of an unformed street at South Bowenfels.

**COMMENTARY**

Council resolved to accept dedication of an extension of Hassan Street, South Bowenfels. A nominal cost of \$1.00 has been negotiated with all other costs to be met by the proponent of the Tree View Retirement Village.

The Finance and Services Committee of 6/11/06 resolved:

That Council indicate that it is willing to accept dedication of the extension strip from Hassan Street subject to:

1. All costs are borne by the proponents offering the extension of Hassan Street.
2. The Common Seal be affixed to all transfer documents.

This report now seeks Council's consent to the affixing of the common seal to the transfer documents.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

Nil

**RECOMMENDED**

**THAT:** Council affix the Common Seal to transfer documents for dedication to Council of an extension to Hassan Street, South Bowenfels.

**06-391 RESOLVED**

**THAT:** Council affix the Common Seal to transfer documents for dedication to Council of an extension to Hassan Street, South Bowenfels.

**MOVED:** Councillor M M Collins

**SECONDED:** Councillor M J Wilson

**CARRIED**

## **COMMUNITY AND CORPORATE SERVICES REPORTS**

**ITEM:8            COMM - 20/11/06 - DRAFT SOCIAL PLAN 2006 - 2011**

### **REPORT FROM: COMMUNITY DEVELOPMENT OFFICER – E WANT**

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#### **REFERENCE**

Min 06-347: Council Meeting 16 October 2006

#### **SUMMARY**

This report is presented to Council as the exhibition period for the draft Social Plan has now concluded and the finalised Social Plan is presented to Council for adoption.

#### **COMMENTARY**

Council resolved on 16 October 2006 to place the draft Social Plan on exhibition for 14 days. The exhibition period concluded on 2 November 2006, with no submissions being received.

During the exhibition period a review of the draft Social Plan was undertaken with the following suggested amendments being identified by:

- The Community Action Plan has been amended to include ongoing participation in the Lithgow Community Services Interagency subject to the outcome of a review of Council's participation in community forums and activities in the draft Social Plan.
- The Action Plan for Young People has been amended to include Youth Week Activities, i.e. applying for and administering annual funding of activities.
- The costing for the development of a Disability Access Plan has been revised to \$20,000.
- The Action Plan for People from culturally and linguistically diverse backgrounds has been amended to include ongoing participation in the Lithgow Multicultural Interagency subject to the recommended review of Council's involvement in community forums and activities. A further round Cultural Awareness Training has been suggested for June 2008.
- The Action Plan for Department of Housing Residents has been amended to include involvement by Council in the Lithgow Community Action Partnership Group.

#### **POLICY IMPLICATIONS**

The draft Social Plan provides recommended actions for the development of policies, standard work procedures and consideration of issues in plans such as the Strategic and Management Plans.

#### **FINANCIAL IMPLICATIONS**

The draft Social Plan contains estimated costs of each action listed. These actions are to be recalculated in each applicable management planning process for consideration by Council. Items will be considered by Council in the preparation of future Management Plans as programs reach their scheduled timetabling.

### **LEGAL IMPLICATIONS**

The draft Social Plan complies with the requirements of the Local Government Act 1993 and Local Government Regulation 2005. It must be adopted and forwarded to the Department of Local Government by 30 November 2006.

### **ATTACHMENTS**

1. Social Plan 2006- 2011

### **RECOMMENDED**

**THAT:** the Social Plan 2006-2011 be adopted.

### **06-392 RESOLVED**

**THAT:** the Social Plan 2006-2011 be adopted.

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor W McAndrew

**CARRIED**

**ITEM:9            COMM - 20/11/06 - LEASE OF 29 ESKBANK STREET LITHGOW TO  
DIGITAL WISDOM PTY LTD**

**REPORT FROM: ACCOUNTING SUPPORT OFFICER – S. HALL**

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**REFERENCE**

Min 06-115 Council Meeting 18th April 2006

**SUMMARY**

This report seeks Council approval to attach the Common Seal to a lease with Digital Wisdom Pty Ltd for 29 Eskbank Street Lithgow from 8 September 2006 to 7 March 2007

**COMMENTARY**

Digital Wisdom Pty Ltd have occupied Council premises known as 29 Eskbank Street Lithgow, being a lock up shop, since 8 March 2006.

In April 2006 Council granted a lease to the occupant with the option to renew for 6 months.

This report seeks to exercise the option for renewal and to seek a further renewal option of 6 months.

**PROPOSED DETAILS OF THE LEASE:**

COMMENCING DATE	8 September 2006
TERMINATING DATE	7 March 2007
OPTION TO RENEW	6 Month Period – 6 September 2007
ANNUAL RENT	Annual - \$5,200.00 Exc GST (\$5,720.00 incl GST) Monthly - \$433.33 Exc GST per month (\$476.66 inc GST)
OPTION TO RENEW	N/A
PROPERTY MANAGER	LJ Hooker

**POLICY IMPLICATIONS**

There are no policy implications as a result of this report

**FINANCIAL IMPLICATIONS**

Rental income of \$5,720.00 (GST incl.) per annum.

**LEGAL IMPLICATIONS**

A Lease has been prepared under the Real Property Act 1900.

**ATTACHMENTS**

Nil

## RECOMMENDED

**THAT:** Council affix the Common Seal to the lease with Digital Wisdom Pty Ltd for 29 Eskbank Street Lithgow covering a period from 8 September 2006 to 7 March 2007

## 06-393 RESOLVED

**THAT:** Council affix the Common Seal to the lease with Digital Wisdom Pty Ltd for 29 Eskbank Street Lithgow covering a period from 8 September 2006 to 7 March 2007

**MOVED:** Councillor M M Collins

**SECONDED:** Councillor B S Moran

**CARRIED**

**ITEM:10            COMM - 20/11/06 - LEASE OF SUITE 1, BLAXLAND SHIRE BUILDING MAIN STREET WALLERAWANG**

**REPORT FROM:            ACCOUNTING SUPPORT OFFICER – S. HALL**

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## REFERENCE

Nil

## SUMMARY

This report is for the purpose of Council consideration in relation to a Lease of Suite 1 Blaxland Shire Building, Main Street Wallerawang between Council and Robyn Hughes for the use as a Doctor's surgery.

If approved by Council, the lease will have the Common Seal attached and be duly executed.

## COMMENTARY

Previous lease of the above property was to Mr Noel Maybir for Robyn Hughes and the premises have been used as a Doctor's surgery from 23rd January 2006 to 22nd July 2006 with a six (6) month option.

Should Council approve the renewal of the lease, proposed details are as follows:

### PROPOSED DETAILS OF THE LEASE:

COMMENCEMENT DATE	22nd August 2006
TERMINATION DATE	21st August 2007
OPTION TO RENEW	Twelve (12) months prior to termination
ANNUAL RENT	Annual - \$8,580.00 (GST Incl) Monthly - \$715.00 (GST Incl)
CPI INCREASE	21st August 2007
PROPERTY MANAGER	LJ Hooker

The rent quoted is market value as determined by Council's Property Manager, LJ Hooker.

**POLICY IMPLICATIONS**

There are no policy implications as a result of this report.

**FINANCIAL IMPLICATIONS**

Rent income of \$8,580.00 (GST Incl) per annum, \$715.00 (GST Incl) per month.

**LEGAL IMPLICATIONS**

A Lease has been prepared under the Real Property Act 1900.

**ATTACHMENTS**

Nil

**RECOMMENDED**

**THAT:** Council affix the Common Seal to the Lease with Dr Robyn Hughes for Suite 1, Blaxland Shire Building, Main Street Wallerawang, commencing 22nd August 2006, terminating 21st August 2007 with a twelve (12) month option

**06-394 RESOLVED**

**THAT:** Council affix the Common Seal to the Lease with Dr Robyn Hughes for Suite 1, Blaxland Shire Building, Main Street Wallerawang, commencing 22nd August 2006, terminating 21st August 2007 with a twelve (12) month option

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson

**CARRIED**

## COMMITTEE MEETINGS

Nil.

## QUESTIONS WITHOUT NOTICE

### QWN - COUNCILLOR MORRISSEY

1. Further to my previous question on DA 203/06 concerning variations to a consent condition on sight distances at the entrance to Cuthill Road, has there been any modification sought by the applicant? Will any modification if sought come before Council for determination?

The modification application has been lodged. It would be anticipated that the matter would be determined under delegated authority. However, if the matter is of public interest then Council has adopted the following policy:

1. *Should a councillor provide evidence to the Council, through a notice of motion to a Finance and Services Committee meeting, of substantial public interest in a development application via the tabling of correspondence received for more than 3 sources or personal presentations by more than 3 interested parties are made to the meeting at a single meeting, a development application may be called in for Council to determine the matter;*
2. *Alternatively, should written notice signed by a minimum of three (3) Councillors be received by the General Manager, in relation to a development application that could otherwise be determined under delegated authority, the application shall not be determined under delegated authority but referred to Council's Finance and Services Committee for determination.*

I would like to call all the Councillors to support item number 2, Delegated Under Authority, going to the Finance and Services Committee Meeting in order to be properly and fairly determined.

### 06-395 RESOLVED

**THAT:** *written notice signed by a minimum of three (3) Councillors be received by the General Manager, in relation to a development application that could otherwise be determined under delegated authority, the application shall not be determined under delegated authority but referred to Council's Finance and Services Committee for determination.*

**Moved:** Councillor B Morrissey

**Seconded:** W McAndrew

**CARRIED**

2. Would the relevant officers report on the safety of McKane's Fall Road especially in relation to the lack of guard railing at some dangerous spots where there are very deep descents?

*An inspection of the road and surrounds will be undertaken and a determination will be made for possible inclusion the 3 year financial plan.*

## **QWN - COUNCILLOR TICEHURST**

1. How many and what are the Community Consultative Committee that are presently in existence for the Area Surrounding the Lidsdale / Blackmans Flat area?

Who are the Members of the above various Community Consultative Committees?

How often are the above various Community Consultative Committees required to meet annually?

When did the Various Community Consultative Committees last meet and what is the date of the next meeting/s?

*In the area there are two Community Consultative Committees (CCC's) in respect of coal mining activities. Firstly, the Pine Dale CCC met once per month over the first 6 months of operations and meets once every 6 months for the remainder of the first year. It then meets twice per year thereafter. It's last meeting was 28 September and the next is scheduled for 30 November 2006 Councillor Fisher is the Chair of the Committee and the General Manager or his delegate also sits on the committee. Lambert's Gully CCC has not yet met but must meet within 6 months of consent. Councillor Fisher is Council's delegate and the General Manager or his delegate is also to sit on the committee. CCC's are also in place for Angus Place, Invincible, Clarence and Baal Bone.*

2. Whilst the Lake Lyell Dam currently has a very low water level, what maintenance work, if any will the Council be undertaking in and around the Dam?

The extension of the boat ramp is scheduled to be undertaken prior to 1 January 2007.

Could the Council remove the numerous exposed old and rusty Star Posts and fencing wire from below the high water level mark in the Dam for the future safety of patrons using the Dam?

*Delta has engaged a risk assessment in relation to water levels and how this relates to the closure of the lake. This would be more suitably addressed through this process.*

3. Could Council advise what action it proposes to take with respect to the personal and civic enforcement of the recent requirement for all NSW Homes to have at least one working smoke alarm? Given that offences carry a penalty of \$550 (or worse), what action will the Council be taking to assist its rate payers to comply with the new law, particularly the elderly and frail.

*Advice is being obtained as to what role councils will have, if any, in enforcement and compliance. Council has not determined any level of assistance and as this is State legislation it would not be recommended that Council provide any direct financial assistance.*

4. Could the Council seek an updated report from its Property Consultants, LJ Hooker Lithgow on the status of property market in the Lithgow City Council area over the past two years and how they see the local property market in the future?

*Concerns are raised in using a local Real Estate agent providing this report (due to pecuniary interest of this as our property Manager). Council may like to consider funding such a request from someone like the WRI in the next budget. If Council wishes, staff can arrange for quotes and include in the draft budget workshop.*

#### **OWN - COUNCILLOR TICEHURST**

May I request Delta to provide Council with a report?

*General Manager – Council leases Lake Lyell from Delta and Delta continually carry out risk assessments of which determines the level for closure for the dam. These Risk Assessments are reported to the Users Working Group before Council.*

#### **OWN - COUNCILLOR COLLINS**

1. Mr Mayor, following the success of the recent State Downhill Mountain Bikes Races could Council formally thank and congratulate Craig Flynn and his Central Tablelands Mountain Club. In Mountain Bike Racing circles they have "put Lithgow on the map" with their large number of contestants and followers and the extensive TV coverage the event drew. Great tourism potential!

*A letter of congratulations will be sent. A formal report on the event will be submitted to the December committees.*

#### **06-396 RESOLVED**

**THAT:** a letter of congratulations be sent to Craig Flynn and the Central Tablelands Mountain Club.

**Moved:** Councillor M Collins

**Seconded:** Councillor M Wilson

**CARRIED**

**QWN - COUNCILLOR MCANDREW**

1. Mr Mayor, I have received a complaint in regards to the on going helicopter flights leaving and landing in the Capertee Local Government Area. Could Council Officers look into this matter again?

*The General Manager advised that Council had received a similar letter. An investigation was started. Since notification there have been no flights in the area. A Response will be sent to the complainant/s.*

2. Mr Mayor, in regards to the Council proposed Logo available for public comment, have there been may letters received either for it or against it?

*General Manager advised there have been numerous letter received however will all come to the meeting proposed for round of December Meetings.*

3. My Mayor, I was absent from the last meeting and believe the matter Councillor Ticehurst's conduct was resolved. As far as I am aware there is continued operation of the website and a lack of apology. I request a report to December's meeting on where this is up to.

**06-397 RESOLVED**

**THAT:** A report be brought to the December Meeting regarding the Councils determination of Councillors conduct.

**Moved:** Councillor McAndrew

**Seconded:** Councillor Fisher

Councillor Ticehurst voted against the motion.

**CARRIED**

**QWN - COUNCILLOR H K FISHER**

1. Mr Mayor, I have received a number of complaints from the public in regards to the process for public questions at the Council Meetings.

**06-398 RESOLVED**

**THAT:** Council considers this matter as an agenda item.

**Moved:** Councillor Fisher

**Seconded:** Councillor Ticehurst

**CARRIED**

2. Mr Mayor, there seems to be a lot of criticism in the media in regards to the proposed Council Logo. The main complaint is that the \$33,000 of

rate payer's money could be better spent of sealing of roads. May I ask when the last road was sealed?

*General Manager - The most recent roads sealed were 1.5km of Blackheath Creek Road Hartley, 1.35km and Mid Hartley Road Hartley. This was part of our works program in September. The General Manager also advised that no additional money was being sent this is simply a costing that would be incurred for on going signage. The Annual report will be presented to Council in December and it will contain a summary of Council's activities.*

3. I then ask if it could be better publicised. Present to the Community some of the good things Council does for its rate payer's.

*General Manager advised Council produces Press Releases on all items regularly.*

#### **QWN - COUNCILLOR WILSON**

1. Mr Mayor, can we have an update regarding Emirates.

Council communicates with Emirates regularly. They are currently still working on their approvals and it is believed they are still on target for late March, early April.

#### **QWN - COUNCILLOR MORAN**

1. Mr Mayor would it be possible for a press release of the correct costing of the proposed logo.

*The Mayor advised that this is currently being done.*

#### **QWN – COUNCILLOR MCANDREW**

1. Mr Mayor, \$33,000 was put away for the Logo, what happens to that money if we do not go with it?

*General Manager advised we are not spending any more money it is the cost to corporately brand ourselves with uniforms and stationary etc.*

#### **QWN – COUNCILLOR MORAN**

1. Mr Mayor, Can we request a report regarding where the compulsory Acquisition of Meadow Flat Hall.

*It is in its final stages and will be reported back to Council in February 2007.*

2. When it comes under our ownership can a Management Committee be set up and can we have Meadow Flat Public School representative be placed on this Committee.

*This will be included in February with the report.*

3. Mr Mayor, may I request we receive a report back on Black Bridge?

### **06-400 RESOLVED**

**THAT:** A report be provided on Black Bridge

**Moved:**Councillor Moran      **Seconded:**Councillor Collins

**CARRIED**

4. Mr Mayor, Tidy Town litter control received photos of Lake Wallace that I will pass onto the Secretary. The bins are the old style bins with no lids and litter is continually surrounding them. Can they be looked at for next year's budget?

### **06-401 RESOLVED**

**THAT:** Council consider bins at Lake Wallace as part of the 2007/2008 budget.

**Moved:**Councillor Moran      **Seconded:** Councillor Collins

**CARRIED**

### **QWN – COUNCILLOR TICEHURST**

1. Mr Mayor, I request a report on the road closure in January 2007 of the I intersection of Rydal/Hampton Road and Tarana.

*The General Manager requested tabling of information which had been provided to Councillors be made available to Council Officers to identify the specific section of road.*

### **06-402 RESOLVED**

**THAT:** A report be provided on the Road Closure of the intersection of Rydal/Hampton Road Tarana and Tarana Road Tarana January 2007.

**Moved:**Councillor Tichurst      **Seconded:** Councillor Fisher

**CARRIED**

**The Meeting closed at 7.48pm.**